

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DONNA M. GRAY,)	
)	
Plaintiff,)	
vs.)	NO. CIV-23-0775-HE
)	
MARTIN O'MALLEY,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Plaintiff Donna M. Gray filed this case seeking judicial review of the final determination of the Commissioner of Social Security that she was not disabled under the Social Security Act. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Suzanne Mitchell for initial proceedings. After the parties fully briefed the issues raised, Judge Mitchell issued a Report and Recommendation recommending that the Commissioner's final decision be affirmed. Plaintiff has objected to the Report, triggering *de novo* review to matters to which objection has been raised.

In his decision, the administrative law judge ("ALJ") determined that plaintiff: (1) had not engaged in substantial gainful activity since her application date of April 16, 2020, (2) had the following severe impairments: degenerative disc disease and osteoarthritis of the lumbar spine, scoliosis, plantar fasciitis disorder, neuropathy, obesity, depression, and anxiety; (3) did not have an impairment or combination of impairments that meets or medically equals the severity of one of the listed impairments; (4) had the residual functional capacity to perform light work, with a number of limitations; (5) was unable to

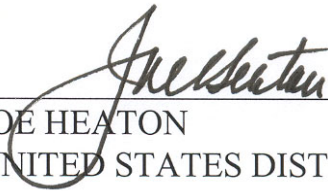
perform any past relevant work; (6) was able to perform jobs that existed in significant numbers in the national economy; and (7) had, therefore, not been under a disability since April 16, 2020, the date the application was filed. Plaintiff asserts that the ALJ should have made a Listing 12.05 determination regarding plaintiff's cognitive abilities at step three of the sequential analysis and that the ALJ erred in evaluating plaintiff's back pain symptoms in assessing her residual functional capacity ("RFC"). In her Report and Recommendation, Judge Mitchell found that the ALJ was not required to further develop the record and had properly considered plaintiff's subjective complaints of back pain.

In her objections, plaintiff contends the ALJ erred in steps three and five of his analysis, and specifically that he failed to apply the correct legal standard when assessing plaintiff's RFC, failed to cite specific evidence that supported his conclusions, and did not set out specific reasons and findings for his decision. Having reviewed the pleadings in this case, the court concludes the ALJ did not commit any error in steps three and five. The ALJ fully explained his decision in steps three and five and applied the correct legal standards when assessing plaintiff's RFC. Further, the ALJ's decision is supported by substantial evidence, and there was no need for the ALJ to further develop the record which included over 600 pages of medical documents.

Accordingly, after *de novo review*, the court **ADOPTS** the Report and Recommendation [Doc. #21]. The Commissioner's final decision is **AFFIRMED**.

IT IS SO ORDERED.

Dated this 27th day of September, 2024.



JOE HEATON
UNITED STATES DISTRICT JUDGE